

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

John Kelley, et al.

Plaintiffs,

v.

Xavier Becerra, et al.,

Defendants.

Case No. 4:20-cv-00283-O

SECOND DECLARATION OF JOHN KELLEY

I, John Kelley, declare as follows:

1. My name is John Kelley. I am over 21 years old and fully competent to make this declaration.

2. I have personal knowledge of each of the facts stated in this declaration, and everything stated in this declaration is true and correct.

3. I am a plaintiff in this lawsuit, and I submit this declaration in support of the plaintiffs' supplemental motion for summary judgment.

4. I am responsible for purchasing health insurance for myself and my family.

5. I stopped purchasing health insurance for myself and my family and switched to Christian bill-sharing in 2016. I made this decision both because the preventive-care mandates were forcing me to pay for coverage that that violated my religious beliefs and because the premiums had become too expensive.

6. I stopped purchasing health insurance for my employees at Kelley Orthodontics in 2016 for several reasons: (1) the premiums had become too expensive; (2) my company was being forced to pay for coverage that I found objectionable; and (3) several of my employees asked me to drop coverage because they were unable to enroll

in their husbands' much better plans as long as I was offering coverage to them as part of their job.

7. I remain interested in purchasing health insurance for myself and my family, as well as for my employees at Kelley Orthodontics, and I would strongly consider doing so if the preventive-care coverage mandates were declared unconstitutional and enjoined. Health insurance has many advantages over Christian bill-sharing. For example, bill-sharing arrangements are not insurance, so participants have no legal protection if a claim isn't paid, coverage is denied, or the ministry goes bankrupt.

8. Although I cannot guarantee that I would once again purchase health insurance in the absence of the preventive-care coverage mandates, I would seriously consider it, and I would carefully weigh the pros and cons before deciding what is best for my family and business.

9. I am currently being deprived of even the option of purchasing health insurance that excludes the objectionable coverage, and I am seeking relief that will restore my option of purchasing such insurance.

This concludes my sworn statement. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

Dr. John M. Kelley, Jr.

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DECLARANT